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6 Counsel for Defendant  
MICHAEL ROGERS

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9 UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
10 OAKLAND DIVISION  
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12 UNITED STATES OF AMERICA,

13 Plaintiff,

14 v.

15 MICHAEL ARTHUR ROGERS,

16 Defendant.  
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CR 10-00042 SBA

STIPULATION TO CONTINUANCE  
AND EXCLUSION OF TIME UNDER  
THE SPEEDY TRIAL ACT, 18 U.S.C. §  
3161 ET. SEQ.; ORDER

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19 IT IS HEREBY STIPULATED, by and between the parties to this action, that the change  
20 of plea or trial setting date of January 5, 2011 presently scheduled at 10:00 a.m., before the Hon.  
21 Donna M. Ryu, be vacated and re-set for January 19, 2011 at 10:00 a.m., before the Oakland Duty  
22 Magistrate, for <sup>status</sup> ~~change of plea~~ or trial setting.

23 The reason for this request is that Ellen Leonida, the undersigned Assistant Federal Public  
24 Defender, is conducting investigation in this matter which cannot be completed prior to the currently  
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2 scheduled hearing date.

3 The parties agree and stipulate that the time until January 19, 2011 should be excluded,  
4 under 18 U.S.C. § 3161(h)(7)(A) because the ends of justice served by the granting of the continuance  
5 outweigh the best interests of the public and the defendant in a speedy and public trial. The  
6 continuance is necessary to accommodate counsel's preparation efforts.

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8 Date: January 3, 2011

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/s/  
Ellen V. Leonida  
Assistant Federal Public Defender  
Counsel for defendant MICHAEL ROGERS

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11 January 3, 2011, 2010

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/s/  
Trevor L. Rusin  
Assistant United States Attorney

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14 I hereby attest that I have on file all holograph signatures for any signatures indicated by a "conformed" signature (/S/)  
15 within this efiled document.

\_\_\_\_\_  
/S/ Ellen V. Leonida  
Counsel for Defendant Michael Rogers

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ORDER

The court finds that the ends of justice served by the granting of the continuance outweigh the best interests of the public and the defendant in a speedy and public trial. The continuance is necessary to accommodate counsel's preparation efforts and continuity of counsel. Based on these findings, IT IS HEREBY ORDERED THAT the above-captioned matter is continued to January 19, 2011 at 10:00 a.m., before the Oakland Duty Magistrate, and that time is excluded from January 5, 2011 until January 19, 2011 pursuant to 18 U.S.C. § 3161(h)(7)(a).

IT IS SO ORDERED.

1/4/2011

Date



HON. DONNA M. RYU  
UNITED STATES MAGISTRATE JUDGE